



March 26, 2007

H.R. 580 – To amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes.

Floor Situation

H.R. 580 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Howard Berman (D-CA) on January 19, 2007, and was reported by voice vote, as amended by the House Committee on the Judiciary on March 20, 2007.

H.R. 580 is expected to be considered on the floor of the House on March 26, 2007.

**Note: Similar legislation, S. 214, was introduced in the Senate by Senator Dianne Feinstein (D-CA) on January 9, 2007, and was passed in the Senate by a vote of 94 – 2 on March 20, 2007.*

Summary

H.R. 580 reestablishes* (1) a 120-day limit to the term of United States attorneys that were appointed on an interim basis by the Attorney General; and (2) a requirement that if the 120-day limit expires before the position is filled, then the district court for such district may appoint a U.S. attorney to serve until the vacancy is filled.

**Note: These provisions were revoked by the USA PATRIOT Improvement and Reauthorization Act of 2005 (PL 109-177).*

H.R. 580 establishes that U.S. attorneys currently serving on an interim basis will be subject to the 120-day limit beginning on the date of enactment of this bill.

Background

There is one U.S. attorney appointed for every United States district court, 93 in total. Each U.S. attorney is the chief federal law enforcement officer of the United States within his or her particular jurisdiction.

U.S. attorneys conduct most of the trial work in which the United States is a party. U. S. attorneys have three statutory responsibilities under Title 28, Section 547 of the United States Code:

- the prosecution of criminal cases brought by the Federal government;
- the prosecution and defense of civil cases in which the United States is a party;
and
- the collection of debts owed to the Federal government which are administratively uncollectible.
(Department of Justice)

Cost

The Congressional Budget Office (CBO) estimates that H.R. 580 will have no significant impact on the Federal Budget.

Staff Contact

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